

Before the  
Federal Communications Commission  
Washington, D.C. 20554

FILED/ACCEPTED

MAY - 2 2012

Federal Communications Commission  
Office of the Secretary

In re )  
)  
**MARITIME COMMUNICATIONS/LAND** ) EB Docket No. 11-71  
**MOBILE, LLC** ) File No. EB-09-IH-1751  
) FRN: 0013587779  
)  
Participant in Auction No. 61 and Licensee of )  
Various Authorizations in the Wireless Radio )  
Services )  
)  
Applicant for Modification of Various ) Application File Nos. 0004030479,  
Authorizations in the Wireless Radio Services ) 0004144435, 0004193028, 0004193328,  
) 0004354053, 0004309872, 0004310060,  
) 0004314903, 0004315013, 0004430505,  
Applicant with **ENCANA OIL AND GAS (USA),** ) 0004417199, 0004419431, 0004422320,  
**INC.; DUQUESNE LIGHT COMPANY; DCP** ) 0004422329, 0004507921, 0004153701,  
**MIDSTREAM, LP; JACKSON COUNTY** ) 0004526264, 0004636537,  
**RURAL MEMBERSHIP ELECTRIC** ) and 0004604962  
**COOPERATIVE; PUGET SOUND ENERGY,** )  
**INC.; ENBRIDGE ENERGY COMPANY,** )  
**INC.; INTERSTATE POWER AND LIGHT** )  
**COMPANY; WISCONSIN POWER AND** )  
**LIGHT COMPANY; DIXIE ELECTRIC** )  
**MEMBERSHIP CORPORATION, INC.;** )  
**ATLAS PIPELINE – MID CONTINENT, LLC;** )  
**DENTON COUNTY ELECTRIC** )  
**COOPERATIVE, INC. , DBA COSERV** )  
**ELECTRIC; AND SOUTHERN CALIFORNIA** )  
**REGIONAL RAIL AUTHORITY** )

To: Marlene H. Dortch, Secretary

Attention: Chief Administrative Law Judge Richard L. Sippel

**ENFORCEMENT BUREAU'S**  
**MOTION TO EXTEND MAY 26, 2012 DISCOVERY DEADLINE**

1. The Chief, Enforcement Bureau, by her attorneys, hereby respectfully requests the Presiding Judge to extend the discovery deadline relating to Issue (g) in this proceeding. In support whereof, the following is shown:

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2. By Order, FCC-12M-7 (ALJ, January 27, 2012), the Presiding Judge established May 26, 2012 as the deadline for the parties to complete discovery on Issue (g) of the Hearing Designation Order in this proceeding.<sup>1</sup> This issue relates to the nonconstruction and discontinuance of site-based operations by Maritime Communications/Land Mobile, LLC (Maritime). In his January 27, 2012 Order, the Presiding Judge also ordered Maritime to respond “fully and completely” by February 6, 2012 to the “Joint Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations,” filed by the Enforcement Bureau (Bureau) and SkyTel<sup>2</sup> on December 7, 2011 (Interrogatories).<sup>3</sup>

3. To date, however, Maritime still has not provided full and complete responses to Interrogatory Nos. 13, 14 and 15, which seek information concerning whether Maritime’s site-based stations are currently operating (*i.e.*, on-the-air, transmitting a signal) and, if not, the date they went off-the-air and why. Indeed, the Presiding Judge recently acknowledged that these “essential fact questions still remain unanswered”<sup>4</sup> and ordered Maritime and the Bureau to file by May 14, 2012, a Joint Stipulation that (1) stipulates to all trial issues of fact and law that can be stipulated and (2) stipulates to all discovery issues that can be agreed.<sup>5</sup> The Presiding Judge also ordered that a Prehearing Conference be held on May 22, 2012.<sup>6</sup>

4. Because the May 26, 2012 deadline for completing discovery on Issue (g) is less than a month away and because the unanswered discovery is relevant to determining whether

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<sup>1</sup> *Maritime Communications/Land Mobile, LLC*, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, EB Docket No. 11-71, FCC-11-64, rel. April 19, 2011, at ¶ 62(g).

<sup>2</sup> “SkyTel” refers to Warren Havens, V2G, LLC, Telesaurus Holdings GB, Verde Systems, Intelligent Transportation & Monitoring Wireless, Environmental, LLC and Skybridge Spectrum Foundation.

<sup>3</sup> See Order, FCC-12M-7 (ALJ, rel. Jan. 27, 2012).

<sup>4</sup> See Order, FCC-12M-24 (ALJ, rel. April 26, 2012).

<sup>5</sup> See *id.*

<sup>6</sup> See *id.*

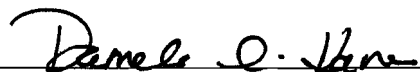
operations at any of Maritime's stations have been permanently discontinued as set forth in Issue (g), the Bureau believes it will be all but impossible to complete discovery on Issue (g) on time.

5. Accordingly, the Bureau respectfully requests that the Presiding Judge extend the discovery deadline on Issue (g) to allow for resolution of the pending discovery disputes *and* to allow the Bureau to conduct whatever additional discovery on this issue may be necessary and appropriate (*e.g.*, depositions) to ensure that the hearing record is fully developed and that the Presiding Judge is ultimately able to render a reasoned and informed decision.

6. For the foregoing reasons, the Bureau respectfully asks the Presiding Judge to extend the May 26, 2012 deadline for the parties to complete discovery related to Issue (g) of the Hearing Designation Order.

Respectfully submitted,

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May 2, 2012

**CERTIFICATE OF SERVICE**

Makia Day, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 2nd day of May, 2012, sent by first class United States mail copies of the foregoing "Enforcement Bureau's Motion To Extend May 26, 2012 Discovery Deadline" to:

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